

Samoa

Children in Samoa work in agriculture and as street vendors, although the lack of data makes it difficult to determine the scope of the problem. While there is no legal entitlement to free education in Samoa, the Government continued its support for a program to achieve universal primary education by providing school fee grants to government and mission schools. Samoan laws provide no protection against hazardous work by children below age 18.



Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	Unavailable
Attending School	5-14 yrs.	Unavailable
Combining Work and School	7-14 yrs.	Unavailable

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Although data are limited, children in Samoa are reportedly engaged in the worst forms of child labor.⁵⁰⁰³ The lack of official data and other information does not allow for an accurate assessment of the full nature and extent of the worst forms of child labor in Samoa.

There are indications that children in rural areas work in agriculture.⁵⁰⁰⁴ Work in agriculture commonly involves using potentially dangerous machinery and tools, carrying heavy loads and applying harmful pesticides.

Similarly, children reportedly work as street vendors in Apia, Samoa's capital, and in a few other locations, including the international airport.⁵⁰⁰⁵ Children who work on the streets may be exposed to multiple dangers including severe weather, vehicle accidents and criminal elements.





Children are reportedly employed in domestic service.⁵⁰⁰⁶ Domestic labor by children may involve

long work hours, which often prevent children from attending school, and exposure to physical and sexual exploitation by their employers.

Laws and Regulations on the Worst Forms of Child Labor

The Labor and Employment Act of 1972 sets the minimum age for employment at 15 and allows children under age 15 to engage in "safe and light work suited to the capacity of the child." The Act prohibits children under the age of 15 from working with dangerous machinery, in any occupation or place where working conditions are likely to harm their physical or moral health, or on any vessel not under the personal charge of a parent or guardian.⁵⁰⁰⁷ Samoa's labor laws treat anyone age 15 and over as an adult worker and include no protections for hazardous work. Moreover, the Act covers only individuals who work in a fixed location, and the Government has not established whether or not work outside of a fixed place of employment (such as street vending by children) contravenes the country's labor laws.⁵⁰⁰⁸

The Constitution prohibits forced or compulsory labor, but an exception to this provision is given for work or service required by Samoan custom.⁵⁰⁰⁹ Research did not identify the specific work activities that fall under “Samoan custom.”

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	No
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	No
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	15
	Compulsory Education Age	14
	Free Public Education	No

The Crimes Ordinance Act (COA) prohibits inducing a female of any age into sexual relations through fraudulent means.⁵⁰¹⁰ Soliciting or procuring a female of any age for prostitution, or benefiting from the earnings thereof, is also punishable under COA.⁵⁰¹¹ No specific criminal provision exists regarding child pornography; however, child pornography cases can be prosecuted under a provision of the Penal Code that prohibits the distribution or exhibition of indecent matter.⁵⁰¹² Provisions of COA are insufficient to provide adequate protection to boys against commercial sexual exploitation, since several of the provisions detailed above exclude males.

No comprehensive law prohibits trafficking in persons, but kidnapping any person with the intent to transport him or her out of the country

or to hold the individual for service is a crime punishable under COA. Furthermore, no person under age 16 may give consent to “being sent or taken out” of Samoa.⁵⁰¹³

The Education Act of 2009 makes education compulsory for children under age 15.⁵⁰¹⁴ The Act stipulates that a child under age 15 cannot be involved in street vending or work of any kind during school hours or at any other time during which this work would interfere with the child’s school attendance, participation in school activities or educational development.⁵⁰¹⁵

As there are no armed forces maintained by the Government of Samoa, there is no minimum age for conscription.⁵⁰¹⁶

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Samoa has established a coordinating mechanism to combat the worst forms of child labor.

The Ministry of Commerce, Industry, and Labor (MCIL) is the primary government agency designated to enforce laws related to hazardous or forced child labor.⁵⁰¹⁷ The Ministry of Women, Community and Social Development and the Ministry of Education may be called upon to help with investigations.⁵⁰¹⁸

Inspectors from the MCIL investigate complaints of violations of the Labor and Employment Act, including complaints of child labor violations and refer them to the Ministry of Police (MOP) and the Office of the Attorney General for enforcement.⁵⁰¹⁹ Eight inspectors from MCIL are assigned to carry out varied inspections.⁵⁰²⁰ No information was identified on the number of enforcement actions or the number of violations found during the reporting period.

Trafficking-related investigations are conducted by the Transnational Crimes Unit of the MOP.⁵⁰²¹

Government Policies on the Worst Forms of Child Labor

Research found no evidence of any policies to address the worst forms of child labor in agriculture, domestic service and street vending.

The Government did not collect information on exploitative child labor in 2010.⁵⁰²² The Government last conducted a study on child labor in 2005.⁵⁰²³

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

In 2010, in partnership with Australia and New Zealand, the Government launched the Samoa School Fee Grant Scheme (SSFGS), which will provide free education to all primary-school-aged children enrolled in government and mission schools.⁵⁰²⁴ Approximately 96 percent of Samoan

primary-school students attend schools covered by the SSFGS program, while the remainder are enrolled in private schools.⁵⁰²⁵ One of the program's aims is to discourage street vending by children by making schooling affordable to parents otherwise unable to pay school fees.⁵⁰²⁶

The school-fee reimbursement program, however, does not abrogate school fees; it only offers subsidies for school fees.⁵⁰²⁷ In addition, the program is partly financed by Australia and New Zealand, which have only committed to funding the SSFGS initiative for a three-year period.⁵⁰²⁸

Besides efforts to discourage street vending by children through the SSFGS, research has not found evidence of any programs by the Government specifically intended to address the worst forms of child labor in agriculture, street vending or domestic services.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Samoa:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the Labor Act to provide specific protections against hazardous work activities for all children under age 18.
- Amend provisions in the COA prohibiting the commercial sexual exploitation of children to apply to include boys under age 18.
- Ensure appropriate legal protection for children involved in street vending.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Make accessible data on the number and type of inspections related to the worst forms of child labor.
- Establish a coordinating mechanism to combat the worst forms of child labor.

IN THE AREA OF POLICIES:

- Establish policies to address relevant worst forms of child labor in Samoa.
- Conduct comprehensive research to better understand the extent and nature of the worst forms of child labor in agriculture, domestic service and street vending to better guide program and policy design.

IN THE AREA OF SOCIAL PROGRAMS:

- Provide for free primary education.
- Develop and implement programs to address relevant worst forms of child labor in Samoa, including children working under exploitative conditions in agriculture, street work and domestic service.

⁵⁰⁰³ Data provided in the chart at the beginning of this country report are not available from the data sources that are used in this report. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

⁵⁰⁰⁴ U.S. Department of State, “Samoa,” in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011, section 7d; available from <http://www.state.gov/documents/organization/160100.pdf>.

⁵⁰⁰⁵ U.S. Embassy- Apia, *reporting, February 9, 2011*. See also U.S. Embassy- Apia, *reporting, March 5, 2010*.

⁵⁰⁰⁶ U.S. Embassy- Apia, *reporting, March 5, 2010*.

⁵⁰⁰⁷ Government of Samoa, *Labour and Employment Act*, (1972), articles 32(1), 32(2), 32(3); available from http://www.pacii.org/ws/legis/consol_act/laea1972228/.

⁵⁰⁰⁸ U.S. Department of State, “Country Reports- 2010: Samoa.”

⁵⁰⁰⁹ Government of Samoa, *Constitution of the Independent State of Western Samoa*, (1960), articles 8(1), 8(2); available from http://www.pacii.org/ws/legis/consol_act/cotisows1960535/.

⁵⁰¹⁰ Government of Samoa, *Crimes Ordinance*, (1961), article 55; available from http://www.pacii.org/ws/legis/consol_act/co1961135/.

⁵⁰¹¹ *Ibid.*, articles 58L, 58M.

⁵⁰¹² *Ibid.*, article 43.

⁵⁰¹³ *Ibid.*, articles 83A(1), 83B.

⁵⁰¹⁴ Government of Samoa, *Education Act*, (2009), article 2; available from http://www.pacii.org/ws/legis/num_act/ea2009104/.

⁵⁰¹⁵ *Ibid.*, article 20.

⁵⁰¹⁶ Coalition to Stop the Use of Child Soldiers, “Samoa,” in *Child Soldiers Global Report 2008*, London, 2008; available

from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf.

⁵⁰¹⁷ U.S. Embassy- Apia official, E-mail communication to USDOL official, March 16, 2011. See also U.S. Embassy- Apia, *reporting, February 9, 2011*.

⁵⁰¹⁸ U.S. Embassy- Apia, *reporting, March 5, 2010*.

⁵⁰¹⁹ U.S. Embassy- Apia, *reporting, February 9, 2011*. See also U.S. Embassy- Apia official, E-mail communication to USDOL official, March 16, 2011.

⁵⁰²⁰ U.S. Embassy- Apia, *reporting, February 9, 2011*.

⁵⁰²¹ U.S. Department of State, “Samoa,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 6; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/eap/136007.htm>. See also Government of Samoa, *Transnational Crime Unit - Ministry of the Prime Minister and Cabinet*, [online] [cited May 13, 2011]; available from <http://www.mpmc.gov.ws/tcu.html>.

⁵⁰²² U.S. Embassy- Apia, *reporting, February 9, 2011*.

⁵⁰²³ Ministry of Women, Community, and Social Development, *Child Vendors Pilot Survey*, 2005; available from <http://www.mwcsd.gov.ws/publications/new%20publications/Child%20Vendors%20Pilot%20Survey%20report.pdf>.

⁵⁰²⁴ Government of Samoa, *Millennium Development Goals: Second Progress Report*, 2010; available from http://www.mof.gov.ws/Portals/195/Services/Aid%20Coordination/mdg_report.pdf. See also U.S. Embassy- Apia, *reporting, February 9, 2011*.

⁵⁰²⁵ Government of Samoa, *Millennium Development Goals: Second Progress Report*.

⁵⁰²⁶ *Ibid.*

⁵⁰²⁷ *Ibid.*

⁵⁰²⁸ Government of Australia, *Aid Activities in Samoa*, 2010; available from http://www.ausaid.gov.au/country/cbrief.cfm?dcon=9205_8231_8940_8250_1457&countryid. See also U.S. Embassy- Apia official, E-mail communication, March 16, 2011.